

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

IN RE: SAMANTHA HOPE SMITH

CASE NO. 6:24-cv-282-JDK-KNM

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**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff, proceeding *pro se*, initiated the above-styled lawsuit on August 7, 2024. On August 16, 2024, Plaintiff filed a letter stating that she mistakenly filed the case in the wrong jurisdiction. The letter is construed as a Motion to Voluntarily Dismiss (ECF 4). Pursuant to FED. R. CIV. P. 41(a)(1)(A), a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. No answer or motion for summary judgment has been filed in this case. Plaintiff's motion to voluntarily dismiss should be granted and the above-styled lawsuit should be dismissed.

RECOMMENDATION

It is hereby **RECOMMENDED** that Plaintiff's Motion to Voluntarily Dismiss (ECF 4) be **GRANTED** and that the complaint be **DISMISSED** without prejudice.

Within fourteen days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C. § 636(b).

A party's failure to file written objections to the findings, conclusions and recommendations contained in this Report within fourteen days after service shall bar that party

from *de novo* review by the district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Servs. Auto. Assn.*, 79 F.3d 1415, 1430 (5th Cir.1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

So ORDERED and SIGNED this 21st day of August, 2024.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE